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Attorneys for Defendant Motorola,
Inc.

Attorney for Plaintiff Gregory Bender

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Gregory Bender,

Plaintiff,

v.

Motorola Inc.,

Defendant.

CASE NO. C 09-01245 SBA (LB)

NOTICE OF:

1) SETTLEMENT-IN-PRINCIPLE;

**2) WITHDRAWAL OF MOTOROLA,
INC.'S MOTION TO STRIKE
INFRINGEMENT CONTENTIONS
OR IN THE ALTERNATIVE TO
COMPEL INFRINGEMENT
CONTENTIONS THAT COMPLY
WITH PATENT L.R. 3-1 (D.I. 49);
AND**

~~PROPOSED~~ ORDER

DISCOVERY MATTER

Previously set for:

Date: August 5, 2010
Time: 11:00 a.m.
Courtroom: 1, 3rd Floor
Magistrate Judge: Laurel Beeler

Pursuant to Defendant Motorola, Inc.'s, counsel's August 5, 2010, telephone conversation with, and at the request of, Magistrate Judge Beeler's clerk, and on the basis of a settlement-in-principle between the parties, the parties hereby file this stipulated request to withdraw Defendant

STIPULATION AND ~~PROPOSED~~ ORDER G
WITHDRAWING NOTION TO STRIKE
CASE NO. C 09-01245 SBA (LB)

1 Motorola, Inc.'s, currently pending Motion To Strike Infringement Contentions Or In The
2 Alternative To Compel Infringement Contentions That Comply With Patent L.R. 3-1, filed on
3 April 27, 2010 (D.I. 49). The parties further request that this withdrawal be without prejudice to
4 re-filing the motion at a later date should the parties not reach final agreement on settlement. The
5 parties stipulate that the Court's previous order granting Defendant Motorola, Inc. temporary
6 relief from its discovery obligations, (D.I. 33), shall remain in place until the matter is resolved.

7 WHEREAS, on April 27, 2010, Defendant Motorola, Inc., filed a Motion To Strike
8 Infringement Contentions Or In The Alternative To Compel Infringement Contentions That
9 Comply With Patent L.R. 3-1 (D.I. 49).

10 WHEREAS, such Motion was previously set to be heard by the Court on August 5, 2010.

11 WHEREAS, Defendant Motorola, Inc.'s obligations under Patent L.R. 3-3 and 3-4 and
12 any other obligations to produce technical documents are currently stayed until 45 days after the
13 resolution of the parties' dispute regarding the sufficiency of Plaintiff's infringement contentions.
14 (*See* Docket No. 33.)

15 WHEREAS, on August 4, 2010, the parties reached an agreement in principle to settle the
16 above-captioned matter.

17 WHEREAS, the parties expect to execute a final settlement agreement and to request that
18 the Court dismiss the case within 30 days, contingent on the completion of a final settlement
19 agreement and the execution of obligations pursuant to that agreement.

20
21 THE PARTIES HEREBY STIPULATE THAT:

22 Defendant Motorola, Inc.'s, pending Motion To Strike Infringement Contentions Or, In
23 The Alternative, To Compel Infringement Contentions That Comply With Patent L.R. 3-1, filed
24 on April 27, 2010, (D.I. 49), is withdrawn without prejudice, and the Court's previous order
25 granting Defendant temporary relief from its discovery obligations, (D.I. 31), shall remain in
26 place until the case is dismissed or the discovery dispute is resolved.

Respectfully submitted,

Dated: August 5, 2010

Jones Day

By: /s/ Greg L. Lippetz
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Counsel for Defendant Motorola, Inc.

In accordance with General Order No. 45, Section X(B), the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

Dated: August 5, 2010

By: /s/ David N. Kuhn
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Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: August 5, 2010

By: 
THE HON. LAUREL BEELER
United States Magistrate Judge